

CITY COUNCIL MEETING

Monday January 10, 2011 at 7:00 P.M.

The Common Council of the City of Crawfordsville, Indiana, met in regular session at 7:00 PM, January 10, 2011. Present were Mayor Charles Coons, who chaired the meeting. City Attorney David Peebles and Clerk-Treasurer Terri Gadd. Also present were Council members Nellie Thompson, Heather Perkins, George Parker, Roger Rockenbaugh, Dennis Cook, Patrick Taylor and Raymond Kirtley.

Other officials in attendance were Plan Department Director Brandy Allen, Street Commissioner Scott Hesler, Wastewater Superintendent Tom Mitchell, Stormwater Superintendent Gary Weliver, Park and Recreation Director Roger Neal, Assistant Police Chief Mike Norman and Fire Chief Eric Small.

The Press was also present.

Chairman Coons called the meeting to order. Councilman Taylor led the pledge to the flag.

Councilman Rockenbaugh said the prayer.

Chairman Coons asked Clerk-Treasurer Terri Gadd to call the roll for the purpose of attendance, all Council members were present.

Councilwoman Thompson moved to approve the minutes from the December 13, 2010, City Council meeting. Seconded by Councilwoman Perkins. The minutes were approved as presented with a unanimous voice vote.

Councilman Cook moved to acknowledge receipt of the December 2010 monthly financial report. Seconded by Councilman Taylor. The financial report was acknowledged as presented in electronic format with a unanimous voice vote.

The roll was called for the purpose of any additions to the agenda. Councilman Taylor had one addition.

Chairman Coons called on Councilman Rockenbaugh to present the business of the Fiscal Affairs Committee.

FISCAL AFFAIRS

The first item presented was the second reading of an ordinance setting dishonored check fees and delinquent payment penalties for the City of Crawfordsville. Chairman Rockenbaugh moved to place the ordinance on second reading. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Offering comments from the council was Councilman Parker. Hearing no further comments the

roll was called for the vote. The ordinance passed on second reading with a unanimous vote.

SECOND READING

Chairman Rockenbaugh moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE # 1 - 2011

AN ORDINANCE SETTING A DISHONORED CHECK FEE AND DELINQUENT PAYMENT PENALTIES FOR THE CITY OF CRAWFORDSVILLE

WHEREAS, Indiana Code 8-1.5-5 allows for a penalty to be imposed on delinquent storm water fees payments; and

WHEREAS, Indiana Code 36-9-23-31 provides for a 10% penalty for delinquent payment of waste water (sewer) fees; and

WHEREAS, Indiana Code 35-43-5-5 provides for collection of a fee not to exceed \$27.50 on checks returned for non-sufficient funds,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Crawfordsville, Indiana, that:

1. A penalty of ten percent (10%) of a storm water or waste water (sewer) bill shall be imposed and added to any such bill that is not paid on or before the due date stated on the bill, in addition to any and all other charges, penalties and remedies provided by law, including but not limited to the statutory lien procedure.
2. (a) There shall be a fee of Twenty Dollars (\$20.00) added to any check or other negotiable instrument that is dishonored or returned to any utility or department of the City by the issuing bank for non-sufficient funds ("NSF"), in addition to any and all other charges, penalties and remedies provided by law, including but not limited to referral to the Montgomery County Prosecutor pursuant to I.C. 36-1-8-13.

(b) Payment of a dishonored check must be made within ten (10) days of notification to the issuer by the City pursuant to I.C. 26-2-7-3 in the form of cash, money order, or other certified funds only.

3. All existing ordinances or parts of ordinances that are inconsistent with this ordinance are hereby repealed.
4. This ordinance shall be in full force and effect upon adoption and any necessary publication.

Adopted and passed by the Common Council of the City of Crawfordsville, Indiana, this 10th day of January, 2011.

Signed\ Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer

PRESENTED TO ME BY THE MAYOR OF THE CITY OF CRAWFORDSVILLE,
INDIANA, THIS 10th DAY OF January, 2011.

Signed\ Terri Gadd
Terri Gadd, Clerk Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 10th DAY
OF January, 2011.

Signed\ Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed\ Terri Gadd
Terri Gadd, Clerk-Treasurer
City of Crawfordsville

The second item presented was a resolution acknowledging the receipt of the proposed 2011 budget for Crawfordsville Electric Light and Power Company. Chairman Rockenbaugh moved to approve the resolution. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Hearing no comments, the roll was called for the vote. The resolution was approved with a unanimous vote.

RESOLUTION 1 -2011

**A RESOLUTION OF THE COMMON COUNCIL ACKNOWLEDGING
RECEIPT OF THE PROPOSED 2011 BUDGET FOR THE
CRAWFORDSVILLE ELECTRIC LIGHT & POWER COMPANY**

BE IT HEREBY RESOLVED AND ACKNOWLEDGED by the Common Council of the City of Crawfordsville, Indiana, that Crawfordsville Electric Light & Power Company has timely filed its proposed budget for the year 2011 with the Common Council, all as provided by law.

This resolution shall be in full force and effect from and after its passage.
ADOPTED by the Common Council of the City of Crawfordsville this 10th day of January, 2011, and APPROVED by me:

Signed\\Charles E. Coons
Charles E. Coons, Mayor & Presiding Officer

ATTEST:

Signed\\Terri Gadd
Terri Gadd, Clerk Treasurer

The third item presented was a declaratory resolution of the Common Council of the City of Crawfordsville, Indiana for the designation of the Crawfordsville Electric Light & Power Company Electric Power Generation Facility as surplus property. Chairman Rockenbaugh moved to approve the resolution. Seconded by Councilman Taylor. Chairman Coons called for comments from the Council and public. Offering comments from the Council were council members Cook and Perkins. Other comments were offered by Attorney Peebles and Crawfordsville Electric Light & Power manager Phil Goode. Councilwoman Perkins moved to amend the resolution, seconded by Councilman Cook. Hearing no further comments Chairman Coons called for the vote. The amendment was approved with a unanimous vote. Roger Rockenbaugh moved to approve the resolution as amended. Councilman Taylor seconded. Hearing no further comments, the roll was called for the vote. The resolution was approved as amended with a unanimous vote.

(Supporting documents on file in Clerk-Treasurer's files)

RESOLUTION NO. 2 – 2011

COMMON COUNCIL OF CITY OF CRAWFORDSVILLE, INDIANA

**DECLARATORY RESOLUTION FOR THE DESIGNATION OF
THE CRAWFORDSVILLE ELECTRIC LIGHT AND POWER COMPANY
ELECTRIC POWER GENERATION FACILITY AS SURPLUS PROPERTY**

WHEREAS, the City of Crawfordsville owns an electric generation, transmission, and distribution utility designated Crawfordsville Electric Light and Power Company (CEL&P), operated by a Utility Service Board in accordance with Indiana Code IC 8-1.5; and

WHEREAS, the Utility Service Board has designated the generating facility consisting of all real estate and personal property located south of Sugar Creek and east of and abutting U.S. Highway #231 owned by CEL &P or City of Crawfordsville exclusive of the substation and all transmission or distribution facilities (commonly known as the "Power Plant") as surplus property, and in so doing has made the following findings that:

- (A) the Power Plant has not been operated for the purpose of generating and selling electricity for approximately two years, and it is not anticipated it will be so operated in the foreseeable future: and
- (B) the cost of generating electricity at the Power Plant is approximately two and one-half times the cost of purchasing such power pursuant to the current purchase power agreement of CEL& P, and it appears the cost of purchased power will never exceed the cost of generating power by CEL & P; and
- (C) meeting the requirement of complying with the directives of the Environmental Protection Agency to take effect in 2013 would place an unreasonable cost burden on CEL& P and its customers; and

WHEREAS, the Utility Service Board has requested the Crawfordsville City Council to Declare the Power Plant surplus property to facilitate the sale or decommissioning of the Power Plant; and

WHEREAS, it is hereby found that the findings of the Utility Service Board support the declaration of the Power Plant as surplus property, and it is in the best interests of CEL&P, its customers and the City of Crawfordsville, that the Power Plant be so designated,

NOW THEREFORE BE IT HEREBY RESOLVED THAT THE ELECTRIC GENERATING FACILITY ("POWER PLANT") OF THE CRAWFORDSVILLE ELECTRICLIGHT AND POWER COMPANY IS HEREBY DESIGNATAED SURPLUS PROPERTY OF THE CITY OF CRAWFORDSVILLE, INDIANA.

This resolution shall be effective upon passage.

The foregoing was passed by the Common Council of the City of Crawfordsville, Indiana, this 10th day of January, 2011, at 7:00 o'clock PM.

ATTEST:

Signed\\ Terri Gadd
Terri Gadd, Clerk Treasurer

Signed\\ Charles E. Coons
Charles E. Coons, Mayor and Presiding Officer

Presented by the Clerk-Treasurer of the City of Crawfordsville, Indiana, to the Mayor of the City of Crawfordsville, Indiana, this 10th day of January, 2011.

Signed\\ Terri Gadd _____
Terri Gadd, Clerk-Treasurer

Approved and signed by the Mayor of the City of Crawfordsville, Indiana, this 10th day of January, 2011.

Signed\\ Charles E. Coons _____
Charles E. Coons, Mayor

(Supporting documents in Clerk-Treasurer's File)

The fourth item presented was a resolution of the Common Council of the City of Crawfordsville, Indiana authorizing the submittal of an application to the Indiana Department of Transportation to purchase a wheelchair accessible vehicle(s) (Low Floor Minivan(s) with ramp). Chairman Rockenbaugh moved to approve the resolution. Seconded by Councilwoman Thompson. Chairman Coons called for comments from the Council and public. Offering comments from the council was Councilman Parker and from the public Alice Yates, Director of Senior Program with the Crawfordsville Park & Recreation Department. Hearing no further comments the roll was called for the vote. The resolution was approved with a unanimous vote.

RESOLUTION 3-2011

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE INDIANA DEPARTMENT OF TRANSPORTATION TO PURCHASE WHEELCHAIR-ACCESSIBLE VEHICLE (S) (LOW FLOOR MINIVAN (S) WITH RAMP)

WHEREAS, the Mayor and Common Council of the City of Crawfordsville, Indiana, support and recommend approval of an application to the Indiana Department of Transportation for assistance in purchasing equipment to provide transportation services to elderly persons and persons with disabilities in the City of Crawfordsville,

WHEREAS, the City of Crawfordsville is submitting an application to the Indiana Department of Transportation for assistance in purchasing one such vehicle with a wheelchair accessibility package—a low floor minivan with ramp, and

WHEREAS, the contract for financial assistance requires the City of Crawfordsville to obligate local funding equal to twenty percent (20%) of the total project cost, being Eight Thousand Dollars (\$8,000.00) of the total cost of Forty Thousand Dollars (\$40,000.00), to the Indiana Department of Transportation upon execution of the funding contract, with such local funding available in the Park & Recreation Department's non-reverting budget.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA THAT:

The Mayor of the City of Crawfordsville is authorized to commit organization resources to execute and file an application for and to contract on behalf of the City of Crawfordsville with

the Indiana Department of Transportation to aid in the abovementioned financing of the foregoing capital equipment.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE THIS 10th DAY OF January, 2011.

PRESENTED AND APPROVED BY ME THIS 10th DAY OF January, 2011.

Signed\\ Charles E. Coons

Charles Coons, Mayor and Presiding Officer of Common Council

ATTEST: Signed\\ Terri Gadd

Terri Gadd, Clerk-Treasurer

Completing the business of the Fiscal Affairs Committee Chairman Rockenbaugh turned the meeting over to Chairman Coons.

Chairman Coons called on Councilwoman Thompson to present the business of the Ordinances and Petitions Committee.

ORDINANCES AND PETITIONS

The first item presented was an ordinance rezoning the properties located at 1573 and 1591 US 231 South from an R-1, residential zoning district to a B-1, business zoning district. Chairwoman Thompson moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote.

TABLE

The second item presented was an ordinance amending Chapter 153 zoning of the Crawfordsville Municipal Code of the City of Crawfordsville, Indiana (rezoning 602 Waynetown Road (905 Wayne Court) from R-1 to B1). Chairwoman Thompson moved to place the ordinance on first reading. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the role was called for the vote. The ordinance passed on first reading with a unanimous vote.

FIRST READING

Councilwoman Thompson moved to suspend the rules to allow for a second reading of the ordinance. Seconded by Councilwoman Perkins. A unanimous voice vote of the Council approved suspending the rules.

Councilwoman Thompson moved to place the ordinance on second reading. Seconded by Councilwoman Perkins. Chairman Coons called for comments from the Council and

public. Hearing no comments the roll was called for the vote. The ordinance passed on second reading with a unanimous vote.

Councilwoman Thompson moved to place the ordinance on third and final reading and so adopt. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance passed on third and final reading with a unanimous vote.

ORDINANCE NO. 2 – 2011

AN ORDINANCE AMENDING CHAPTER 153, ZONING OF THE CRAWFORDSVILLE MUNICIPAL CODE OF THE CITY OF CRAWFORDSVILLE, INDIANA [Rezoning 602 Waynetown Road (905 Wayne Court) from R-1 to B-1]

BE IT HEREBY ESTABLISHED AND ORDAINED by the Common Council of the City of Crawfordsville, Indiana, that the Crawfordsville Municipal Code is hereby amended as follows:

Section 1. (a) Chapter 153, Section 153.20 of the Municipal Code of the City of Crawfordsville, Indiana, is hereby amended to change the zoning map of the City for the parcel commonly known as 602 Waynetown Road (currently attached to 905 Wayne Court but to be subdivided into its own parcel), with legal description attached hereto for recording if necessary.

(b) The zoning map showing the above parcels which are in an R-1 zoning district shall be and hereby is amended to show the parcels in an B-1 zoning district.

Section 2. (a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) This ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
CRAWFORDSVILLE, INDIANA, THIS 10TH DAY OF JANUARY, 2011.

Signed\\ Charles E. Coons
Charles E. Coons, Mayor

PRESENTED TO ME BY THE MAYOR OF THE CITY OF
CRAWFORDSVILLE, INDIANA, THIS 10TH DAY OF JANUARY, 2011.

Signed\\ TERRI GADD
Terri Gadd, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME, THIS 10TH DAY OF
JANUARY, 2011.

Signed\\ CHARLES E. COONS
Charles E. Coons, Mayor

ATTEST:

Signed\\ Terri Gadd
Terri Gadd, Clerk-Treasurer
City of Crawfordsville

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signed\\ Terri Gadd
Terri Gadd, Clerk-Treasurer
City of Crawfordsville

(Supporting document for zoning changes in Plan Office or Clerk's Office)

**REZONING ORDINANCE EXHIBIT
LEGAL DESCRIPTION**

Parcel ID 54-07-31-223-013.000-030

Alternate ID 0231214100

Property Address 905 WAYNE CT, CRAWFORDSVILLE

Sec/Twp/Rng 31/19/4

Tax Set CRAWFORDSVILLE

Subdivision N/A

Brief Tax Description PT NWQ 31-19-4 0.60 A

Book/Page 201002481

Acres 0.600

Class Res-1-Family 0 - 9.99 acres

The third item of business was a resolution approving certain historic preservation grants & loans. Councilwoman Thompson moved to approve the grant and loan request, for 105 East Main Street. Second by Councilwoman Perkins. Chairman Coons called for comments from the Council and public. Offering comments from the public was Brandy Allen, Planning Director. Hearing no further comments the roll was called for the vote. The resolution passed with a unanimous vote.

Property	Applicant	Loan Amount
105 East Main Street	Joe and Kathie Sadowski	\$10,000.00
Property	Applicant	Grant Amount
105 East Main Street	Joe and Kathie Sadowski	\$7,000.00

RESOLUTION NO 4 – 2011

**A RESOLUTION APPROVING
CERTAIN HISTORIC PRESERVATION
GRANTS & LOANS**

WHEREAS, the Crawfordsville Historic Preservation Commission has duly approved the following façade grant and loan, and

WHEREAS, by ordinance, the Crawfordsville Common Council must approve said loans,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, that

1. The following Crawfordsville Historic Preservation Commission restoration loans are hereby approved:

<u>Property</u>	<u>Applicant</u>	<u>Loan Amount</u>
105 E. Main Street	Joe & Kathie Sadowski	\$10,000

2. The following Crawfordsville Historic Preservation Commission façade grant is hereby approved:

<u>Property</u>	<u>Applicant</u>	<u>Grant Amount</u>
105 E. Main Street	Joe & Kathie Sadowski	\$7,000

3. This resolution shall be effective upon passage.

Adopted and passed by the Common Council of the City of Crawfordsville this 10th day of January, 2011.

Signed\\ Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed\\ Terri Gadd
Terri Gadd, Clerk-Treasurer

(Supporting documents in Clerk-Treasurer's File)

Councilwoman Thompson moved to approve a resolution approving certain historic preservation grants and loans for 107 East Main Street. Seconded by Councilman Parker. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The resolution passed with a unanimous vote.

Property	Applicant	Loan Amount
107 East Main Street	Joe and Kathie Sadowski	\$10,000.00
Property	Applicant	Grant Amount
107East Main Street	Joe and Kathie Sadowski	\$7,000.00

RESOLUTION NO. 5 - 2011

**A RESOLUTION APPROVING
CERTAIN HISTORIC PRESERVATION
GRANTS & LOANS**

WHEREAS, the Crawfordsville Historic Preservation Commission has duly approved the following façade grant and loan, and

WHEREAS, by ordinance, the Crawfordsville Common Council must approve said loans,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CRAWFORDSVILLE, INDIANA, that

2. The following Crawfordsville Historic Preservation Commission restoration loans are hereby approved:

<u>Property</u>	<u>Applicant</u>	<u>Loan Amount</u>
107 E. Main Street	Joe & Kathie Sadowski	\$10,000

2. The following Crawfordsville Historic Preservation Commission façade grant is hereby approved:

<u>Property</u>	<u>Applicant</u>	<u>Grant Amount</u>
107 E. Main Street	Joe & Kathie Sadowski	\$7,000

3. This resolution shall be effective upon passage.

Adopted and passed by the Common Council of the City of Crawfordsville this 10th day of January , 2011.

Signed\\ Charles E. Coons
Charles E. Coons, Mayor

ATTEST:

Signed\\ Terri Gadd
Terri Gadd, Clerk-Treasurer

(Supporting documents in Clerk-Treasurer's File)

Completing the business of the Ordinances and Petitions, Committee Chairwoman Thompson turned the meeting over to Chairman Coons.

Chairman Coons called on Councilman Taylor to present the business of the Annexation Committee.

ANNEXATION

The first item presented was an ordinance annexing 0.07 acres on Sugar Creek. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote.

TABLE

The second item presented was an ordinance annexing 2.0 acres on Sugar Creek. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote.

TABLE

The third item presented was an ordinance annexing 1510 & 1512 Lafayette Road. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments, the roll was called for the vote. The ordinance was tabled with a unanimous vote.

TABLE

The fourth item presented was an ordinance annexing Calvary Cemetery & 1.59 acres on Sugar Creek. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote.

TABLE

The fifth item presented was an ordinance annexing 203 West Oak Hill Road. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons

called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote

TABLE

The sixth item presented was an ordinance annexing 275 Daugherty Lane. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote

TABLE

The seventh item presented was an ordinance annexing the Municipal Golf Course. Chairman Taylor moved to table the ordinance. Seconded by Councilman Cook. Chairman Coons called for comments from the Council and public. Hearing no comments the roll was called for the vote. The ordinance was tabled with a unanimous vote

TABLE

Completing the business of the Annexation Committee, Chairman Taylor turned the meeting over to Chairman Coons.

Chairman Coons called on Councilwoman Thompson to present the business under Miscellaneous.

MISCELLANEOUS

Council members discussed their appointment to the Storm Water Board. With there being no names presented, Councilwoman Thompson moved to table the issue until February. Councilman Cook seconded. The motion passed with a unanimous voice vote.

Councilwoman Thompson nominated Councilman Ray Kirtley for the position of City Council President for the year 2011. Seconded by Councilman Cook. Hearing no further nominations, Councilman Cook moved to close the nominations. Councilwoman Perkins seconded. Chairman Coons called for the vote to approve Councilman Kirtley as President. The roll was called, the nomination passed with unanimous vote.

Councilman Taylor reminded the press and the public the City has an ordinance for sidewalk clearing and due to the snow to please clear sidewalks as soon as possible.

Mayor Coons acknowledged Scout Troop #318 for attending the meeting.

Councilwoman Thompson advised the Council the animal control ordinance will be discussed further at the February 2011 committee meeting.

ADJOURNMENT

There being no further business, Chairman Coons moved to adjourn. Seconded by Councilman Taylor. The meeting was adjourned at 7:45 PM.

Signed by me this 14th day of February, 2011

Signed\\ Charles E. Coons
Charles E. Coons, Mayor

ATTEST:
Signed\\ Terri Gadd
Terri Gadd, Clerk Treasurer
City of Crawfordsville